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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,394	12/08/2003	Chun Yin Lok	MCHK/145/US	4613
2543	7590	06/22/2005	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			HOANG, TU BA	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,394

Applicant(s)

LOK, CHUN YIN

Examiner

Tu Ba Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. / 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/08/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the roller" in 8. There is insufficient antecedent basis for this limitation in the claim (also noted in claims 2). It should be changed to "the brush" instead. The term "torque" recited at line 5 should be "torques" since it appears there may be more than one torque.. The phrase "...to turn, should the roller stop turning in use" recited at lines 8-9 also renders the claim indefinite for not being a positive recitation. It is suggested to replace this phrase with "...to turn as said brush stopped turning in use".

In claim 5, there is insufficient antecedent basis for "the clutch" recited at line 1 in the claim or from the preceding claim.

In claim 6, between "profiled" and "teeth" recited at line 2, the term "intermeshing" should be inserted for the consistency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schillig (US 4,664,132). Schillig shows all features of the claimed invention including a hair brushing appliance or assembly 1 (Figure 3) which comprises a housing 20, a motor 22 located within the housing 20 (column 4, lines 28-29), a brush assembly 1 extending from the housing 20, a transmission or brush main body 4 which includes a thrust collar 14, a drive shaft 6, pin 5, thumb nut 11, drive shaft bearing 17, a slippage mechanism includes a thrust bearing 16, thrust collar 14, washers 8,9, and drive shaft bearing 17 (column 3, line 68, i.e., friction engaging means and claim 1, i.e., means urgingfor allowing relative slippage between ..engaging surfaces) for relaying output torques of the motor 22 to the brush assembly 1 (column 3, lines 62-64), a blower assembly 3 comprises a heater and a fan blowing air across the heater to the brush (column 4, lines 62-67, i.e., a range of available heat settings and column 5, lines 16-19, i.e., blows air at an angle toward the hair brush. The heater is inherently shown as part of the internal construction of the blower assembly 3, i.e., the heated blower assembly), wherein the slippage mechanism is associated with the transmission 4 to allow the motor 22 to turn as the brush assembly 1 stopped turning in use (column 3, line 64 to column 4, line 2, i.e., such as tangled hair causes the rotation of the brush to stop, the thrust bearing 16 will allow the drive shaft, thrust collar and thumb nut to continue to rotate), the transmission 4 comprises a gearbox or axial bore receiving the drive shaft 6 as shown in Figure 3, the slippage mechanism comprises a clutch or thumb nut 11 (column 3,

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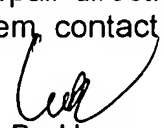
lines 51-54, i.e., can be turned by a user) associated with a gear or threaded connection 12 in the gear box and provided with a plurality of profiled intermeshing teeth (column 3, lines 43-54, i.e., internal threaded screws or teeth of the nut 11 and the teeth of the threaded connection 12), a spring 10 biasing the profiled intermeshing teeth or internal threaded teeth of the nut or clutch 11 and the teeth of the threaded connection 12 into engagement with one another with the force applied by the spring 10 upon the clutch 11 defines a pre-set torque transmission limit of the gearbox (column 4, lines 4-13, i.e., upper limit of torque), and the clutch 11 is formed integrally with the gear or threaded connection 12 of the gearbox.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: McGaw (US 4,419,565), Fromman (US 4,222,398), and Sawin (US 3,349,782). Each of these reference should be separately considered and considered in conjunction with others in response to this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Ba Hoang whose telephone number is (571) 272-4780. The examiner can normally be reached on Mon-fri from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu Ba Hoang
Primary Examiner
Art Unit 3742

June 20, 2005